

Disabled Vehicle (Mechanical Breakdown)

To be considered a disabled vehicle, the operator must prove that an accidental or emergency situation was the reason they were unable to move the vehicle. In addition, the accident or emergency that caused the vehicle to become disabled (not movable) must be unavoidable and not caused by the vehicle operator. In general, situations that are avoidable and not accidental such as running out of gas or locking keys in the vehicle are not valid reasons for dismissing a citation.

VERIFICATION FROM CONTESTEE

1. Statement describing the nature of the breakdown and steps taken to repair/remove the vehicle from the street
2. Receipt for vehicle towing, road service, or emergency repair at a garage
3. Accident Report

VERIFICATION BY INVESTIGATION

1. Review documents provided for authenticity
 - a. Does it look altered or pieced together?
 - b. Did the activity occur on the date the citation was issued?
 - c. Was action taken within a reasonable period to correct the problem?

DECISION

The citation should be dismissed if evidence and investigation sufficiently support that all of the following are true:

- That documentation is authentic
- That the breakdown was an emergency or unavoidable situation that occurred on the date the citation was issued
- That the situation was not caused by the vehicle operator
- That the vehicle operator took reasonable and timely steps to repair and remove the vehicle from the street
- That the vehicle was not impeding the flow of traffic or otherwise violating parking or anti-gridlock regulations because the vehicle was disabled and therefore could not be moved from a regulated parking area.

All other citations should be upheld.

DISMISSAL AUTHORITY: California Vehicle Code §40215 (a)(1)

Comments